

MAYOR AND COUNCIL OF THE TOWN OF CHESAPEAKE CITY

CHARTER AMENDMENT RESOLUTION NO.: 4.12.2010.2

A CHARTER AMENDMENT RESOLUTION of the Mayor and Council of The Town of Chesapeake City passed pursuant to the authority of Article XI-E of the Constitution of Maryland, and Section 13 of Article 23A of the Annotated Code of Maryland, to amend the Charter of The Town of Chesapeake City by repealing and re-enacting, with amendments, Section 26-47 of the Charter, for the purpose of adopting penalties for over-expenditure by Town officers or agents.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of The Town of Chesapeake City, pursuant to the authority of Article XI-E of the Constitution of Maryland and Section 13 of Article 23A of the Annotated Code of Maryland, that Section 26-47 of the Town Charter is hereby repealed in its entirety and the following new Section 26-47 of the Town Charter is hereby enacted as follows:

Section 26-47. Over-expenditure forbidden.

(a) Generally. No officer or employee shall during any budget year contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money for any purpose, in excess of the amounts appropriated or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Nothing in this section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

(b) Prohibited Acts; Penalties;

- (1) The Town may not reimburse any expenditure to the extent that the expenditure violates subsection (a) of this section.
- (2) The Town is not obligated to appropriate money to pay an expenditure that violates subsection (a) of this section.

- (3) Each officer or employee who makes an expenditure that violates subsection (a) of this section is guilty of neglect of official duty and is subject to removal.
- (4) An officer or employee who willfully or knowingly violates subsection (a) of this section is personally liable on the contract.
- (5) An officer or employee who is found guilty of willfully or knowingly violating any provision of subsection (a) of this section is personally liable to the Town for the amount of the deficiency or excess.
- (6) An officer or employee who is found guilty of willfully or knowingly violating any provision of subsection (a) of this section is subject to a fine not exceeding \$1,000.00 or imprisonment in the State Penitentiary not exceeding 2 years or both for a first offense, and for a subsequent offense, to a fine not exceeding \$2,000.00 or imprisonment in the State Penitentiary not exceeding 2 years or both.

AND BE IT FURTHER RESOLVED that to the extent that any Section of the Charter of the Town is in conflict with the provisions of this Resolution such Section or Sections be and hereby are repealed to the extent of such conflict; and,

AND BE IT FURTHER RESOLVED that the amendments to the Charter of the Town adopted by this Resolution shall become effective upon the fiftieth (50th) day after passage of this Resolution, unless a proper petition for referendum meeting the requirements of Section 13 of Article 23A of the Annotated Code of Maryland shall be presented or mailed to the Council in accordance with such Section 13 of Article 23A of the Annotated Code of Maryland on or before the fortieth (40th) day after passage of this Resolution. A complete and exact copy of this Resolution shall be posted at the town hall or other main municipal building or public place for a period of at least forty (40) days following its adoption, and the title to this Resolution, being a fair summary of the amendments to the Charter adopted hereby, shall be published in a newspaper of general circulation in the Town not less than four (4) times, at weekly intervals, within a period of forty (40) days after adoption of this Resolution; and,

AND BE IT FURTHER RESOLVED that the Mayor shall send or cause to be sent in accordance with the provisions of Sections 9 and 13 of Article 23A of the Annotated Code of Maryland, by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the Department of Legislative Services of the State of Maryland, the following documents or information concerning the Charter amendment: (1) the complete text of this Resolution; (2) the date of the referendum election, if any, held with respect thereto; (3) the number of votes cast for or against this Resolution by the Council or in a referendum; and, (4) the effective date of the Charter amendments; and,

AND BE IT FURTHER RESOLVED that the Mayor is hereby authorized and directed to carry out or cause to be carried out notice of the adoption of this Resolution as outlined above; and as evidence of compliance herewith, the Mayor shall cause to be affixed to the minutes of the Council for the meeting at which this Resolution is adopted: (1) a certificate to the effect that this Resolution was duly and properly posted as provided herein; (2) an appropriate certificate of publication in the newspaper in which the fair summary of the Charter amendment shall have been published; and, (3) the return receipt of the mailing referred to above.

INTRODUCED before the Mayor and Council of The Town of Chesapeake City at a regular public meeting held on the _____ day of _____, 2010.

ADOPTED by the Mayor and Council of The Town of Chesapeake City at a regular public meeting held on the _____ day of _____, 2010.

ATTEST:

Sharon Weygand
Town Administrator

Frank Hill, Mayor

Votes of the Council:

_____ votes in favor of the Resolution

_____ votes opposing the Resolution

Effective: _____, 2010